

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/10/2015 11:13:13 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen Markey TSCA TA request on workplan chemicals

Checking

On Jul 10, 2015, at 7:03 PM, "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Think this is an accurate characterization of what workplan chemicals are?

- <!--[if !supportLists]--><!--[endif]-->chemicals it is assessing because they have been identified by EPA as being among the chemicals having the highest potential for exposure and hazard.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey  
<image001.png><image002.png><image003.png><image004.jpg>

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 1/5/2016 9:33:14 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: Sen. Markey TSCA TA Request on cost considerations

Michal, thanks – also we're working on the "unreasonable risk" TA request. Please let me know if any additional questions. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

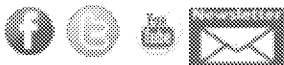
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**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Tuesday, January 05, 2016 4:10 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** RE: Sen. Markey TSCA TA Request on cost considerations

Again, please thank your team for this very helpful material.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Tuesday, January 05, 2016 3:55 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA TA Request on cost considerations

Michal,  
In response to your request, please see the attached TA. Please let me know if any additional questions.  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]

**Sent:** Tuesday, December 15, 2015 4:26 PM

**To:** Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)>

**Subject:** TA - cost considerations in a rule

Sven

I'm attaching a document that lists in one place 4 different ways to factor costs into rulemaking. EPA has seen all of these before. I am trying to determine the following:

- 1) Can you rank these in order of added analytic burden to EPA (ie analysis above what is already required under administrative law, RIA, what EPA would expect to do as part of any rulemaking analysis, etc), and describe briefly the basis for the ranking?
- 2) Can you rank these in order of added litigation risk that the formulations may present, and describe (briefly) the basis for the ranking?

Thanks

Michal

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/10/2015 9:30:08 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Senate TSCA TA on Approps

Jonathan,

Thanks for the information. On the approps language, earlier versions had 2015 as the base year, this is the first time we're seeing 2014. Is 2014 intentional? Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
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1200 Pennsylvania Ave., NW (1305A)  
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202-566-2753

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**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Friday, July 10, 2015 5:22 PM  
**To:** Kaiser, Sven-Erik  
**Cc:** Jones, Jim  
**Subject:** Update on our discussions...

Sven, for your team.

Priority here is to respond to T.A. from Michal, as opposed to reviewing these documents and pointing out concerns.

Attached:

- Orion v.2.1 = The EPW reported bill plus all of the EPA T.A. we received (described in comment bubbles).
- Orion v.3.1 = underlying 2.1 with the current state of discussions with Sens. Durbin and Markey.  
this version now includes:
  1. Implementation date
  2. Expedited Action for TSCA workplan chemicals
  3. User Fees fix
  4. Changes to Persistence and Bioaccumulation
  5. "At the discretion" removed
  6. cost-benefit clarification
  7. low priority info stuff
  8. CBI reporting

LEFT UNSETTLED:

- Co-enforcement penalty (adequate works for us)
- 18 a science (close – just running one more trap)
- 18 a compelling local (trying to find another word)
- Substantial evidence/low priority (no creative thoughts on our part)
- assuming articles unchanged unless we receive new information

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 1/5/2016 8:54:39 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA Request on cost considerations  
**Attachments:** Markey.TSCA TA.Cost Considerations.docx

Michal,  
In response to your request, please see the attached TA. Please let me know if any additional questions.  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Tuesday, December 15, 2015 4:26 PM  
**To:** Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>  
**Subject:** TA - cost considerations in a rule

Sven

I'm attaching a document that lists in one place 4 different ways to factor costs into rulemaking. EPA has seen all of these before. I am trying to determine the following:

- 1) Can you rank these in order of added analytic burden to EPA (ie analysis above what is already required under administrative law, RIA, what EPA would expect to do as part of any rulemaking analysis, etc), and describe briefly the basis for the ranking?
- 2) Can you rank these in order of added litigation risk that the formulations may present, and describe (briefly) the basis for the ranking?

Thanks  
Michal

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/10/2015 6:40:30 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** RE: Sen. Markey TSCA TA on State Preemption Waiver - Compelling

Michal,

In response to your TA request, we do not have any insight as to how various words might have been interpreted by courts -- that would involve some legal research that we have not done. However, the term "substantial" seems to be a softer alternative to "compelling". "Substantial" is defined in Black's Law Dictionary as, among other things, "actually existing; real; not seeming or imaginary". "Compelling" is not defined in Black's, but it's defined in American Heritage as "urgently forceful". "Significant" might be viewed as being in the middle, defined by American Heritage as meaning, among other things, "fairly large in amount of quantity".

Please let me know if any additional questions and if helpful we're available for a call until 4:30 today. Thanks, Sven

Sven-Erik Kaiser  
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Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
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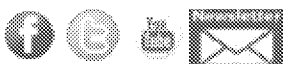
**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Friday, July 10, 2015 1:32 PM  
**To:** Kaiser, Sven-Erik  
**Subject:** RE: Sen. Markey TSCA TA on State Preemption Waiver - Compelling

We're aware that similar constructs exist in other environmental statutes, and that in those statutes it makes sense. If you're in the northeast, you can prove that your air quality is worse and should be determined to be a "compelling local" problem because Ohio air blows your way. If your State has some particular water issue, you can make this sort of language work for that localized problem too.

The problem in the toxics context is that you can't really show that the flame retardants in kids pajamas harm the kids in your state more than they harm kids in other states. The concern is that while the word "local" has been litigated in an OSHA case related to Prop 65 to not mean "unique", there really isn't an understanding of what "compelling" means in this situation and it seems like a very strong word to use. Perhaps if there is case law that is on point with "compelling" in the CWA context that might help me (as opposed to case law being about the word "extraordinary"), but additionally, if there is another word/phrase that might be a bit softer and/or also understood via case law to be a bit softer, that would be helpful too.

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
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255 Dirksen Senate Office Building  
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---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Friday, July 10, 2015 1:25 PM  
**To:** Freedhoff, Michal (Markey)  
**Subject:** Sen. Markey TSCA TA on State Preemption Waiver - Compelling

Michal,

We need a better understanding of your goal before we can suggest alternate drafting. Is your goal to change the wording without changing the substantive operation of the provision? Or are you seeking to change the wording in order to bring about a particular substantive change? If the latter, what is your substantive objective? Maybe a quick note or call would be helpful to sort it out.

Note also that the current drafting is a variation of the standard that applies for a preemption waiver under Section 209 of the Clean Air Act: whether the waiver is needed "to meet compelling and extraordinary conditions." That language has been applied by the agency and courts for decades.

Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [[mailto:Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)]  
**Sent:** Thursday, July 09, 2015 5:04 PM  
**To:** Kaiser, Sven-Erik  
**Subject:** on a separate TA track

Also on preemption, I am trying to see whether there are other words besides "compelling" might exist for what is below. Particularly words that have an understood meaning via case law, regulation or in some other statute.

“(A) **compelling** State or local conditions warrant granting the waiver to protect health or the environment;

Michal Ilana Freedhoff, Ph.D.  
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**Sent:** 4/27/2015 7:30:02 PM  
**To:** 'Karakitsos, Dimitri (EPW)' [Dimitri\_Karakitsos@epw.senate.gov]  
**Subject:** TSCA Markup

Dimitri,  
Heads up that David Berol and I will be over for the markup. If questions for EPA, we'll be able to either respond on the spot or check back with Jim and others for quick turnaround. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
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Message

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**Sent:** 4/27/2015 4:32:16 PM  
**To:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: EPW Amendments Received for S.697 "Frank R. Lautenberg Chemical Safety for the 21st Century Act"

Got it , thanks

On Apr 27, 2015, at 12:17 PM, "Black, Jonathan (Tom Udall)" <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

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**From:** Glennon, John (EPW)  
**Sent:** Monday, April 27, 2015 11:43 AM  
**Subject:** RE: EPW Amendments Received for S.697 "Frank R. Lautenberg Chemical Safety for the 21st Century Act"

My apologies, the committee also received the following Markey amendments to S.697

They are now reflected in the following list of amendments for TSCA:

1. <!--[if !supportLists]--><!--[endif]-->Vitter Manager's Amendment
2. <!--[if !supportLists]--><!--[endif]-->Boxer Sanders Markey #1
3. <!--[if !supportLists]--><!--[endif]-->Boxer Carper #2
4. <!--[if !supportLists]--><!--[endif]-->Boxer Carper #3
5. <!--[if !supportLists]--><!--[endif]-->Boxer Markey Sanders #4
6. <!--[if !supportLists]--><!--[endif]-->Boxer Markey Sanders #5
7. <!--[if !supportLists]--><!--[endif]-->Boxer Markey Sanders #6
8. <!--[if !supportLists]--><!--[endif]-->Boxer Sanders #7
9. <!--[if !supportLists]--><!--[endif]-->Boxer Markey Sanders #8
10. <!--[if !supportLists]--><!--[endif]-->Boxer #9
11. <!--[if !supportLists]--><!--[endif]-->Boxer #10
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15. <!--[if !supportLists]--><!--[endif]-->Boxer #14
16. <!--[if !supportLists]--><!--[endif]-->Boxer Markey #15
17. <!--[if !supportLists]--><!--[endif]-->Carper #1
18. <!--[if !supportLists]--><!--[endif]-->Carper #2
19. <!--[if !supportLists]--><!--[endif]-->Carper #8
20. <!--[if !supportLists]--><!--[endif]-->Gillibrand #1
21. <!--[if !supportLists]--><!--[endif]-->Markey #1
22. <!--[if !supportLists]--><!--[endif]-->Markey #2
23. <!--[if !supportLists]--><!--[endif]-->Markey #3
24. <!--[if !supportLists]--><!--[endif]-->Markey #4
25. <!--[if !supportLists]--><!--[endif]-->Markey #5
26. <!--[if !supportLists]--><!--[endif]-->Markey #6

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**From:** Glennon, John (EPW)  
**Sent:** Monday, April 27, 2015 11:06 AM

**To:** Chendorain, Samantha (Secretary); Crowley, Beth (SAA); DailyDigest; Gross, Amy (SAA); Johnston, Joseph (Secretary); Senate RTVG (SAA); Tratos, Elizabeth (Secretary); Baugh, Jordan (Gillibrand); Baumann, Jeremiah (Merkley); Beaton, Alex (Sanders); Blair, Susanna (Gillibrand); Castaldo, Keith (Gillibrand); Chapman, Kyle (Boxer); Clement, Anne (Boxer); Cooney, Elizabeth (Merkley); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Esquivel, Joaquin (Boxer); Freedhoff, Michal (Markey); Gray, Morgan (Markey); Halepota, Jamal (Gillibrand); Handelsman, Dylan (Whitehouse); Haynes, Laura (Carper); Ho, Bruce (Whitehouse); Jacobs, Ann (Cardin); Jamison, Brooke (Gillibrand); Joseph, Avenel (Markey); Kelly, Alyson (Gillibrand); Klapper, Matt (Booker); Klein, Josh (Cardin); Majkut, Joseph (Whitehouse); Maxwell, Gray (Cardin); Mulvenon, Ryan (Reid); Munger, Jeff (Sanders); Peppard, Colin (Carper); Poirier, Bettina (EPW); Schiller, Laura (Boxer); Sharma, Arohi (Booker); Smith, Dave (Carper); Spain, Emily (Carper); Spikes, Matthew (Cardin); Stevens, Mae (Cardin); Tsiamis, Christos (Markey); Unruh Cohen, Ana (Markey); Usyk, Andrew (Gillibrand); Weinstein, David (Sanders); Wender, Joseph (Markey); Wilson, Adria (Sanders); Wyman, Julia (Whitehouse); Zipkin, Adam (Booker); Abdelaal, Heba (Boozman); Balash, Joe (Sullivan); Barlow Richardson, Michelle (Wicker); Beares, Ellen (Wicker); Brittingham, Charles (Vitter); Brubaker, Joel (Capito); Brunner, Jan (Capito); Chapuis, John (Cornyn); Chatterjee, Neil (McConnell); Clifford, Brian (Barrasso); Clowser, Jessica (Fischer); Cokeley, Hampton (Capito); Cormier, Ward (SBC); Dearborn, Rick (Sessions); Edwards, Deanna (Legis Counsel); Elam, Erik (Sullivan); Elsner, Brandon (Wicker); Flanz, Ken (Crapo); Foster, Bob (Wicker); Hack, Joe (Fischer); Henry, Peter (Sullivan); Higgins, Stephen (Fischer); Hodges, Josh (Vitter); Holland, Luke (Inhofe); Humphrey, Jennifer (Boozman); Jackson, Ryan (Inhofe); Jaye, Bradley (Sessions); Johnson-Weider, Michelle (Legis Counsel); Kobes, Jonathan (Rounds); Kominsky, Mitchell (RPC); Kunsman, Dan (Barrasso); Leggett, Matt (RPC); Luff, Sandy (Sessions); Memmott, Justin (Barrasso); Middleton, Brandon (Sessions); Moore, Philip (Boozman); Rickman, Gregg (Rounds); Robinson, Sierra (Crapo); Sarnecky, Jane (Wicker); Skjonsberg, Rob (Rounds); Stegner, Peter (Crapo); Stewart, Bryn (Barrasso); Tharpe, Amanda (Rounds); Tomanelli, Luke (SBC); Tomlinson, Adam (Capito); Weber, Michelle (Fischer); Wright, Jennie (Inhofe); Ziegler, Charles (Barrasso); Amacio, Kathleen (Crapo); Belk, Stephanie (Vitter); Bryant, Samantha (Rounds); Carter, Hall (Wicker); Henry, DeLynn (Sullivan); Hollis, Kate (Sessions); Parker, Lesley (Boozman); Price, Wendi (Inhofe); Russell, Lauren (Capito); Wehr, Vaughan (Fischer); Wise, Kathi (Barrasso); Abramovich, Jessica (Carper); Boyer, Kelly (Boxer); Butler, Sarah (Markey); Gillison, Jacob (Sanders); Henry, Alicia (Boxer); Lee, Unjin (Booker); Mack, Bryan (Carper); Piorkowski, Jennifer (Merkley); Reckford, Louie (Merkley); Rubin, Jason (Gillibrand); Seigle, Leah (Whitehouse); Smith, Jacob (Sanders); Yamada, Debbie (Cardin); Albritton, Jason (EPW); Chapman, Steve (EPW); Dohrmann, Andrew (EPW); Finks, LaVern (EPW); Fox, Thomas (EPW); Freedhoff, Michal (EPW); Gilman, Kate (EPW); Gordon, Alicia (EPW); Illston, Ted (EPW); Kerr, Mary (EPW); Kramer, Drew (EPW); Kunkle, Sonya (EPW); MacCarthy, Colin (EPW); Mack, Carolyn (EPW); Mendelson, Joseph (EPW); Napoliello, David (EPW); Phipps, Rae Ann (EPW); Rushforth, Tyler (EPW); Atcheson, Laura (EPW); Baum, Kristina (EPW); Bodine, Susan (EPW); Bolen, Brittany (EPW); Boyajian, Shant (EPW); Brown, Byron (EPW); Brown, Joe (EPW); Burhop, Anna (EPW); Caputo, Annie (EPW); Glennon, John (EPW); Gunasekara, Mandy (EPW); Harder, Donelle (Inhofe); Herrgott, Alex (EPW); Jackson, Ryan (EPW); Karakitsos, Dimitri (EPW); Koffman, Chaya (EPW); Letendre, Daisy (EPW); Moffett, Hilary (EPW); Neely, Andrew (EPW); Olsen, Elizabeth (EPW); Sturgeon, Lauren (EPW)

**Subject:** EPW Amendments Received for S.697 "Frank R. Lautenberg Chemical Safety for the 21st Century Act"

***S.697 "Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act"***

1. <!--[if !supportLists]--><!--[endif]-->Vitter Manager's Amendment
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19. <!--[if !supportLists]--><!--[endif]-->Carper #8
20. <!--[if !supportLists]--><!--[endif]-->Gillibrand #1

Also attached is a "Summary of Changes" for the Manager's amendment and a redline.

John J. Glennon  
Majority Research Assistant  
Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
(202) 224-0146

<Markey #1.pdf>  
<Markey #2.pdf>  
<Markey #3.pdf>  
<Markey #4.pdf>  
<Markey #5.pdf>  
<Markey #6.pdf>

Message

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**Sent:** 7/10/2015 5:30:53 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]; Hunt, Jasmine (Durbin) [Jasmine\_Hunt@durbin.senate.gov]; Joseph, Avenel (Markey) [Avenel\_Joseph@markey.senate.gov]  
**Subject:** RE: Senate TSCA TA on State Preemption and Science

Michal,

This responds to your followup TA request on state preemption and science. Your alternative drafting is clear, and we agree that it would accomplish your stated goal. Please let me know if any additional questions.

Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Friday, July 10, 2015 9:19 AM  
**To:** Kaiser, Sven-Erik  
**Cc:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Hunt, Jasmine (Durbin); Freedhoff, Michal (Markey); Joseph, Avenel (Markey)  
**Subject:** RE: Senate TSCA TA on State Preemption and Science

Thank you

No intentional removal of the "based on the judgement" language, was just sending the replacement portion of the provision.

I'm not certain your version works exactly. Intent was to tie the science finding to the "risk" and have a requirement that the state action is designed to meet the risk but not be tied to the same science finding. Do you think this quickly drafted alternative could work?

YOURS:

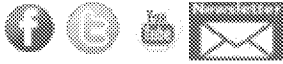
"In the judgment of the Administrator, the statute or administrative action of the state or political subdivision of the state is designed to address a risk of a chemical substance under the conditions of use and is the product of decision-making that is of a quality comparable to that specified under section 3A(c)(3)(A)."

ALTERNATIVE:

"In the judgment of the Administrator, the statute or administrative action of the state or political subdivision of the state, is designed to address a risk of a chemical substance under the conditions of use that was identified using decision-making that is of a quality comparable to that specified under section 3A(c)(3)(A)."

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
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255 Dirksen Senate Office Building  
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Connect with Senator Markey



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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Friday, July 10, 2015 7:46 AM  
**To:** Freedhoff, Michal (Markey)  
**Cc:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Hunt, Jasmine (Durbin)  
**Subject:** Senate TSCA TA on State Preemption and Science

Michal,  
This responds to your TA request.

Was the deletion of the phrase “based on the judgment of the Administrator” intentional? The presence or absence of this phrase affects the degree of discretion that EPA would have in making decisions on these waivers.

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A potentially clearer way of expressing your intentions:

“[In the judgment of the Administrator], the statute or administrative action of the state or political subdivision of the state is designed to address a risk of a chemical substance under the conditions of use and is the product of decision-making that is of a quality comparable to that specified under section 3(A)(c)(3)(A).”

Please let me know if any additional questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

On Jul 9, 2015, at 1:09 PM, "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

Sven

We will also need some TA on the language below, which is a potential alternative to the science prong on the section 18a waiver. Basically trying to say "the science about the risk is solid, and the state requirement is designed to address that risk".

The statute or administrative action of the state or political subdivision of the state is designed to address a risk of a chemical substance under the conditions of use that is based on information that is consistent with section 3(A)(c)(3)(A)

---

**From:** Kaiser, Sven-Erik

**Sent:** Thursday, July 9, 2015 12:03 PM

**To:** Black, Jonathan (Tom Udall)

**Cc:** Karakitsos, Dimitri (EPW); Freedhoff, Michal (Markey); Hunt, Jasmine (Durbin)

**Subject:** Re: Senate TSCA TA Call on Fees and Budget

Yes- 1pm- call **Ex. 6 - Personal Privacy** Thanks,  
Sven

On Jul 9, 2015, at 11:45 AM, "Black, Jonathan (Tom Udall)" <[Jonathan\\_Black@tomudall.senate.gov](mailto:Jonathan_Black@tomudall.senate.gov)> wrote:

Our plan is to call at 1.

---

**From:** Kaiser, Sven-Erik

**Sent:** Wednesday, July 8, 2015 5:35 PM

**To:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Freedhoff, Michal (Markey); Hunt, Jasmine (Durbin)

**Subject:** Senate TSCA TA Call on Fees and Budget

Jonathan,

I'm getting folks together, let's say tentatively a call tomorrow, Thurs, July 9 at 1pm. Let me know if the time moves. Please call **Ex. 6 - Personal Privacy** Thanks,  
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [<mailto:Jonathan.Black@tomudall.senate.gov>]

**Sent:** Wednesday, July 08, 2015 4:01 PM

**To:** Kaiser, Sven-Erik

**Cc:** Karakitsos, Dimitri (EPW); Freedhoff, Michal (Markey); Hunt, Jasmine (Durbin); Black, Jonathan (Tom Udall)

**Subject:** EPA T.A. Call on TSCA Fees and Budget

Sven, we are meeting from 1130-2pm tomorrow. One of the topics of discussion will be TSCA fees and the budget, specifically, how to key the minimum appropriations to ensure that EPA can set user fees.

We'd like to know how OMB A11 intersects with the budgeting and what is covered in the TSCA office.

Our preference is to call in around 1pm if possible. We'd also like to include Dem and GOP Senate Appropriations staff.

Others can chime in about the things they'd like to ask about.

Thanks,

---Jonathan

Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/27/2015 3:43:58 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: EPW Amendments Received for S.697 "Frank R. Lautenberg Chemical Safety for the 21st Century Act"

thanks

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Monday, April 27, 2015 11:40 AM  
**To:** Jones, Jim; Kaiser, Sven-Erik  
**Subject:** FW: EPW Amendments Received for S.697 "Frank R. Lautenberg Chemical Safety for the 21st Century Act"

FYI...

---

**From:** Glennon, John (EPW)  
**Sent:** Monday, April 27, 2015 11:05 AM  
**Subject:** EPW Amendments Received for S.697 "Frank R. Lautenberg Chemical Safety for the 21st Century Act"

***S.697 "Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act"***

1. Vitter Manager's Amendment
2. Boxer Sanders Markey #1
3. Boxer Carper #2
4. Boxer Carper #3
5. Boxer Markey Sanders #4
6. Boxer Markey Sanders #5
7. Boxer Markey Sanders #6
8. Boxer Sanders #7
9. Boxer Markey Sanders #8
10. Boxer #9
11. Boxer #10
12. Boxer #11
13. Boxer #12
14. Boxer #13
15. Boxer #14
16. Boxer Markey #15
17. Carper #1
18. Carper #2
19. Carper #8
20. Gillibrand #1



Also attached is a "Summary of Changes" for the Manager's amendment and a redline.

John J. Glennon  
Majority Research Assistant  
Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
(202) 224-0146

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/10/2015 5:24:35 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA on State Preemption Waiver - Compelling

Michal,

We need a better understanding of your goal before we can suggest alternate drafting. Is your goal to change the wording without changing the substantive operation of the provision? Or are you seeking to change the wording in order to bring about a particular substantive change? If the latter, what is your substantive objective? Maybe a quick note or call would be helpful to sort it out.

Note also that the current drafting is a variation of the standard that applies for a preemption waiver under Section 209 of the Clean Air Act: whether the waiver is needed "to meet compelling and extraordinary conditions." That language has been applied by the agency and courts for decades.

Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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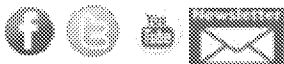
**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Thursday, July 09, 2015 5:04 PM  
**To:** Kaiser, Sven-Erik  
**Subject:** on a separate TA track

Also on preemption, I am trying to see whether there are other words besides "compelling" might exist for what is below. Particularly words that have an understood meaning via case law, regulation or in some other statute.

“(A) compelling State or local conditions warrant granting the waiver to protect health or the environment;

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



Message

---

**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/26/2015 9:23:58 PM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Yes- use my call in **Ex. 6 - Personal Privacy** Thanks,  
Sven

On Apr 26, 2015, at 5:19 PM, "Karakitsos, Dimitri (EPW)" <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

Are folks available for a quick call at 5:30?

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Sunday, April 26, 2015 04:43 PM  
**To:** Karakitsos, Dimitri (EPW)  
**Cc:** Black, Jonathan (Tom Udall)  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Dimitri,

In response to your request, the consolidated language you sent over in your first email is fine, with one exception: in the section 5 language, the word "potential" should be inserted between "identified" and "risks". In PMN review, EPA identifies and reacts to potential risk; it does not do a full risk assessment and identify known risks. We had intended to include "potential" in our earlier email to you but apparently didn't do so -- sorry.

Re Richard Dennison's comments: We do not agree with his suggested changes to the SNUR language, for two reasons.

First, rather than requiring EPA to make an "affirmative finding" that the potential for exposure through articles warrants notification as our TA language did, Dennison's language would require EPA to "demonstrate" the potential for exposure through articles. We see that as a higher bar.

Second, as we interpret section 5(a), it automatically applies to chemicals in articles, for both SNUNs and PMNs, unless we exempt them. His drafting suggests otherwise and may be read to narrow the scope of section 5(a).

Some of his concerns in this regard are focused on the final sentence in our TA -- ie, **Nothing in this paragraph shall be construed to limit the Administrator's authority to exempt the import or processing of a chemical substance from requirements under 5(a)(1)(A).** Although we see some potential value to this sentence, it's not essential from our perspective and we don't see it as worth arguing over; so it could just be dropped.

The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,

Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460

On Apr 26, 2015, at 2:31 PM, "Karakitsos, Dimitri (EPW)" <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

Before you get to far – Richard already raised some significant concerns on his end and I have attached a draft with his edits to the SNUR language.

I think it best at this point if you could please help with 2 things. First make sure our other provisions for Sections 5 and 6 are consistent with TA and second can we set up a call to discuss the overall language and the SNUR language with Richard and Mark Greenwood for some time this afternoon?

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Sunday, April 26, 2015 1:54 PM  
**To:** Karakitsos, Dimitri (EPW)  
**Cc:** Black, Jonathan (Tom Udall)  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Dimitri,  
Got it- forwarding to folks. Thanks,  
Sven

On Apr 26, 2015, at 1:50 PM, "Karakitsos, Dimitri (EPW)" <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

Sven – Attached is a one page document that encompasses all of the articles language. I wanted to share it with you all to make sure this was all consistent with what you had previously sent over. Hoping this all works with no edits on our end but we may have to come back with a request for TA on a minor change or two.

Thanks as always for the help!

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Saturday, April 25, 2015 5:56 PM  
**To:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW)  
**Subject:** Udall Inhofe TSCA TA on Articles

Jonathan and Dimitri,  
This follows up on your earlier request on articles. Attached please find the requested technical assistance. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,  
Sven

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202-566-2753

<Articles.docx>

<Articles comment.docx>

Message

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**Sent:** 5/20/2015 8:42:23 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA Request on State overfiling prohibition

Michal – thanks for the inquiry. Just by way of keeping track, we're working on the following outstanding items for you:

- PBT followup question
- CBI
- Harm v. Injury followup
- Asbestos bill – will be next week

Please let me know if any additional questions and if missed anything. Best,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
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202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Wednesday, May 20, 2015 4:38 PM  
**To:** Kaiser, Sven-Erik  
**Subject:** more TA - TSCA

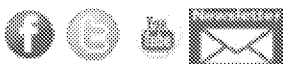
Sven

Hope all is well – I think we still have a couple of outstanding items, but I wanted to flag another question, which is are there other EPA statutes in which there is a State/EPA overfilling prohibition? If so, what are they, and could you send me the relevant language?

Thanks  
Michal

Michal Ilana Freedhoff, Ph.D.  
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Message

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**Sent:** 7/10/2015 11:46:06 AM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]; Hunt, Jasmine (Durbin) [Jasmine\_Hunt@durbin.senate.gov]  
**Subject:** Senate TSCA TA on State Preemption and Science

Michal,  
This responds to your TA request.

Was the deletion of the phrase “based on the judgment of the Administrator” intentional? The presence or absence of this phrase affects the degree of discretion that EPA would have in making decisions on these waivers.

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**Cc:** Karakitsos, Dimitri (EPW); Freedhoff, Michal (Markey); Hunt, Jasmine (Durbin)  
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**Cc:** Black, Jonathan (Tom Udall)  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

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Sven – Attached is a one page document that encompasses all of the articles language. I wanted to share it with you all to make sure this was all consistent with what you had previously sent over. Hoping this all works with no edits on our end but we may have to come back with a request for TA on a minor change or two.

Thanks as always for the help!

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**Sent:** Saturday, April 25, 2015 5:56 PM  
**To:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW)  
**Subject:** Udall Inhofe TSCA TA on Articles

Jonathan and Dimitri,  
This follows up on your earlier request on articles. Attached please find the requested technical assistance. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

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Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460

202-566-2753

<Articles.docx>

<Articles comment.docx>

Message

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**Sent:** 5/18/2015 3:46:40 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: EPA TA Follow-up

Jonathan,  
We can attend on Fri, May 29 at 10am – I'm working with folks schedules to get you full coverage. I'll share our comments as soon as they are available. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Monday, May 18, 2015 11:13 AM  
**To:** Kaiser, Sven-Erik  
**Cc:** Vaught, Laura; Jones, Jim; Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker)  
**Subject:** RE: EPA TA Follow-up

Can we pencil in Friday at 10am in Hart 531?

Those who can join, JOIN!

If it's possible to circulate anything before that meeting, that would also be helpful.

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Friday, May 15, 2015 8:46 PM  
**To:** Black, Jonathan (Tom Udall)  
**Cc:** Vaught, Laura; Jones, Jim; Karakitsos, Dimitri (EPW); Deveny, Adrian (Merkley); Enderle, Emily (Whitehouse); Zipkin, Adam (Booker)  
**Subject:** Re: EPA TA Follow-up

Jonathan, we're going through the TA. Do you and colleagues have availability the morning of Fri, May 22 to discuss.  
Thanks,  
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

On May 15, 2015, at 10:00 AM, "Black, Jonathan (Tom Udall)" <[Jonathan.Black@tomudall.senate.gov](mailto:Jonathan.Black@tomudall.senate.gov)> wrote:

**Team EPA:**

Dimitri and I had sat down with you to review some technical assistance on drafting and clarity/intent back before the bill was introduced.

During that time of intense negotiation, we were unable to incorporate a number of EPA T.A. suggestions because it was too frantic.

We would like to try to address as many of them as possible, now, though.

**Please find attached:**

1. February EPA T.A. document that **you** provided to us (showing comments and some redlines)
2. S.697 as reported out of the EPW committee, plus **NEW REDLINES** that attempt to incorporate the EPA T.A. from February.

**Request:**

Can you review the #2 document (S.697 as reported)?

- Please comment on the proposed fixes
  - Do they address EPA T.A. suggestions?
  - If not, can you explain why not?

None of these technical corrections have been agreed to by the cc'd parties. We will want to sit down with you and review them before doing so. We will then probably need to vet them through stakeholders.

**Timing:**

Please let me know how long you think it might take.

Best case scenario would be to meet and discuss Friday, May 22<sup>nd</sup>.

If that's too quick a turn-around, I will be out of town over the recess, but others may be available to meet the week of May 25<sup>th</sup>.

<S. 697 as reported out 4-28-15 plus TA.DOCX>

<Udall-Vitter Draft P and T redline 20150211 -- February Comments.docx>

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/18/2015 1:00:51 PM  
**To:** 'Freedhoff, Michal (Markey)' [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA Request on Harm v. Injury

Michal,

Thank you for the question. EPA is not aware of a legal distinction between the terms that would be relevant to the TSCA context, but if there are specific arguments you are hearing, particular effects that some believe would constitute harm but not injury, or case or other authorities that have been cited, we are happy to consider them. Please let me know if any additional questions. Best,

Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Freedhoff, Michal (Markey) [mailto:Michal\_Freedhoff@markey.senate.gov]  
**Sent:** Thursday, May 14, 2015 6:22 PM  
**To:** Vaught, Laura; Kaiser, Sven-Erik  
**Subject:** TA request - TSCA

Laura and Sven

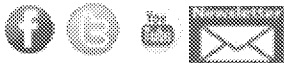
Does EPA believe that there is a legal distinction between “harm” and “injury”? And if so, what (and is there case law to support the argument)? To me, they seem equivalent, but we’ve been hearing some arguments to the contrary.

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey



Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/10/2015 11:35:16 AM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
**CC:** Hunt, Jasmine (Durbin) [Jasmine\_Hunt@durbin.senate.gov]; Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]; Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Senate TSCA TA request on Metal Guidance

Dimitri,

This responds to your TA request. We think the following drafting would accomplish your stated objective:

“In prioritizing and assessing metals and metal compounds, the Administrator shall use either the March 2007 U.S. EPA Framework for Metals Risk Assessment or a superseding document. Nothing in this requirement shall be construed to prevent the Administrator from relying on other pertinent documents.”

Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

On Jul 9, 2015, at 1:57 PM, "Karakitsos, Dimitri (EPW)" <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

I think I would also prefer it to say "in prioritizing and assessing" not just assessing.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

---

**From:** Hunt, Jasmine (Durbin)  
**Sent:** Thursday, July 9, 2015 1:52 PM  
**To:** Kaiser, Sven-Erik; Karakitsos, Dimitri (EPW); Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey)  
**Subject:** Re: Metal language

Sorry. Sub "incorporate" with "use" if possible

Jasmine N. Hunt

Office of Senator Richard J. Durbin | Democratic Whip  
711 Senate Hart Office Building | p: 202.224.2152 | f: 202.224.0400  
[jasmine\\_hunt@durbin.senate.gov](mailto:jasmine_hunt@durbin.senate.gov)

---

**From:** Hunt, Jasmine (Durbin)  
**Sent:** Thursday, July 9, 2015 1:51 PM  
**To:** Kaiser, Sven-Erik; Karakitsos, Dimitri (EPW); Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey)  
**Subject:** Metal language



**(H): In assessing metals and metal compounds, the Administrator shall incorporate the U.S. Environmental Protection Agency's guidance on metals risk assessment.**

Jasmine N. Hunt

Office of Senator Richard J. Durbin | Democratic Whip  
711 Senate Hart Office Building | p: 202.224.2152 | f: 202.224.0400  
[jasmine\\_hunt@durbin.senate.gov](mailto:jasmine_hunt@durbin.senate.gov)

Message

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**Sent:** 4/26/2015 7:07:39 PM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Dimitri,  
What time were you thinking - How about 4 or 4:30? Thanks,  
Sven

On Apr 26, 2015, at 2:31 PM, "Karakitsos, Dimitri (EPW)" <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

Before you get to far – Richard already raised some significant concerns on his end and I have attached a draft with his edits to the SNUR language.

I think it best at this point if you could please help with 2 things. First make sure our other provisions for Sections 5 and 6 are consistent with TA and second can we set up a call to discuss the overall language and the SNUR language with Richard and Mark Greenwood for some time this afternoon?

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**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Sunday, April 26, 2015 1:54 PM  
**To:** Karakitsos, Dimitri (EPW)  
**Cc:** Black, Jonathan (Tom Udall)  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Dimitri,  
Got it- forwarding to folks. Thanks,  
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Thanks as always for the help!

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Saturday, April 25, 2015 5:56 PM  
**To:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW)  
**Subject:** Udall Inhofe TSCA TA on Articles

Jonathan and Dimitri,  
This follows up on your earlier request on articles. Attached please find the requested technical assistance. The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,  
Sven

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Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460

202-566-2753

<Articles.docx>

<Articles comment.docx>

Message

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**Sent:** 4/26/2015 6:52:38 PM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Checking on call times.

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Sven

Sven-Erik Kaiser  
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Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
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202-566-2753

<Articles.docx>

<Articles comment.docx>

Message

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**Sent:** 7/9/2015 8:00:49 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** RE: Udall, Growing Coalition of Supporters Call on Senate to Bring Up and Pass Frank R. Lautenberg Chemical Safety for the 21st Century Act

thanks

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Thursday, July 09, 2015 3:07 PM  
**To:** Kaiser, Sven-Erik; Jones, Jim  
**Subject:** FW: Udall, Growing Coalition of Supporters Call on Senate to Bring Up and Pass Frank R. Lautenberg Chemical Safety for the 21st Century Act

---

**From:** Tom Udall Press Office  
**Sent:** Thursday, July 09, 2015 3:02 PM  
**To:** Tom Udall Press Office  
**Subject:** Udall, Growing Coalition of Supporters Call on Senate to Bring Up and Pass Frank R. Lautenberg Chemical Safety for the 21st Century Act



**For Immediate Release**  
**July 9, 2015**  
**Contact:** Jennifer Talhelm  
202.228.6870 | [news@tomudall.senate.gov](mailto:news@tomudall.senate.gov) | [@TomUdallPress](https://twitter.com/TomUdallPress)

**Udall, Growing Coalition of Supporters Call on Senate to Bring Up and Pass Frank R. Lautenberg Chemical Safety for the 21st Century Act**  
*Support continues to build for the comprehensive, bipartisan bill to protect Americans from dangerous chemicals*

WASHINGTON – Today, in a letter to Senate leadership, **U.S. Senator Tom Udall (D-N.M.)** and 12 of his Democratic colleagues urged Senate leaders to begin debate as soon as possible on their comprehensive chemical safety reform proposal, the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The letter comes as support continues to build among a diverse group of stakeholders and as two more senators cosponsored the bipartisan legislation to reform the nation’s broken chemical safety laws, the Toxic Substances Control Act of 1976 (TSCA). Sens. Jack Reed (D-R.I.) and Pat Roberts (R-Kan.) bring the total number of cosponsors to 46 senators representing 30 states.

“Stakeholders ranging from environmentalists to labor unions to good government advocates have urged the Senate to consider our comprehensive chemical safety reform bill,” **Udall said.** “With 46 cosponsors and support from organizations representing millions of Americans, the Frank R. Lautenberg Chemical Safety for the 21st Century Act is ready to be considered and passed by the full Senate. New Mexicans and millions of Americans have no protection from dangerous chemicals today because TSCA is badly broken – they need comprehensive reform and they can't afford to wait.”

Joining Udall on the letter to Majority Leader Mitch McConnell and Minority Leader Harry Reid were Sens. Cory Booker (D-N.J.), Tom Carper (D-Del.), Chris Coons (D-Del.), Martin Heinrich (D-N.M.), Heidi Heitkamp (D-N.D.), Joe Manchin (D-W.V.), Mark Warner (D-Va.), Sheldon Whitehouse (D-R.I.), Jeff Merkley (D-Ore.), Debbie Stabenow (D-Mich.), Gary Peters (D-Mich.), and Sherrod Brown (D-Ohio).

“The failure of TSCA has been heartbreakingly demonstrated over the years as it has failed to protect the public from exposure to dangerous or untested chemicals. However, over the past year, we’ve been encouraged by the steady progress that’s been made to craft a bipartisan proposal to overhaul TSCA so that it can finally accomplish the goal that Congress originally intended: protecting public health and the environment,” **the senators wrote.** “We believe that the best path to accomplishing the development of a final proposal that can achieve broad support in both Houses is to debate and amend the reported bill from the Senate Committee on Environment and Public Works and then reconcile the Senate proposal with the House proposal.”

Support for the bill is broad and deep, and the list of stakeholders endorsing the Senate's comprehensive approach continues to grow. This week, a coalition of national organizations – representing millions of Americans – joined Udall and his colleagues in urging swift passage of the Lautenberg bill. The Humane Society of the United States and the International Brotherhood of Electrical Workers joined the Environmental Defense Fund, the March of Dimes, the National Wildlife Federation, the Physicians Committee for Responsible Medicine and others in endorsing the bill.

Calls to take up the Senate bill are also coming from former Senate leaders Trent Lott and Byron Dorgan, who now serve as fellows at the Bipartisan Policy Center, which advocates for bipartisan solutions to key issues facing the nation.

#### **Quotes from supporters and organizations follow:**

“With hundreds of toxic chemicals in everyday use, and thousand more untested, we can’t afford to wait. It’s time to pass bipartisan reform of the Toxic Substances Control Act,” **reads a support document by the Environmental Defense Fund, the March of Dimes, the National Wildlife Federation and the Physicians Committee for Responsible Medicine.** “The Frank R. Lautenberg Chemical Safety for the 21st Century Act (S. 697), sponsored by Senators Tom Udall and David Vitter, is bipartisan legislation to update this ineffective law, and it is ready to move to the Senate floor.”

“On behalf of the Bipartisan Policy Center (BPC), we are writing to encourage you bring S. 697, the Frank R. Lautenberg Chemical Safety for the 21st Century Act, to the Senate floor for consideration,” **former Senate leaders and Bipartisan Policy Center fellows Trent Lott and Byron Dorgan wrote in a letter to McConnell and Reid.** “This bipartisan effort will strengthen one of our nation’s important environmental statutes that has not been updated in 40 years.”

“When it comes to human and environmental health, our current animal testing-based approach is fundamentally flawed, and we are in position to do a radically better job. Since the original TSCA was put into force in 1976, EPA has asked for safety data on only 200 of the tens of thousands of chemicals to which we are exposed, and has regulated only a handful of those,” **said Wayne Pacelle, President and CEO of the Humane Society of the United States, and Michael Markarian, President of the Humane Society Legislative Fund**, adding that the Frank R. Lautenberg Chemical Safety for the 21st Century Act “incorporates 21st-century science into its testing and risk-assessment framework and marks a dramatic advance for the nation in animal protection values.”

“S. 697 will amend and strengthen Title I of TSCA in critical areas. It has been developed through ongoing bipartisan engagement since its initial introduction in 2013,” **said Lonnie Stephenson, International President of the International Brotherhood of Electrical Workers**. “Clearly, TSCA is not working as Congress intended. Fixing it presents an opportunity for cooperation benefiting the American people and economy. The proposed legislation will strengthen TSCA by providing the Environmental Protection Agency (EPA) with greater authority to protect public and worker health as well as the environment.”

The Frank R. Lautenberg Chemical Safety for the 21st Century Act would overhaul the outdated Toxic Substances Control Act of 1976 and finally ensure the American people are protected from chemicals sold in everyday products and used in manufacturing. Text of the legislation, information about support and more are available [HERE](#). Key provisions in the Senate's comprehensive bill would address all of the major ways the current TSCA law fails — by providing funding to ensure the Environmental Protection Agency (EPA) has the resources to test and regulate chemicals, a clear focus on chemicals that pose a risk to the environment and public health, a mandate to review the safety of all new and existing chemicals, authority directing the EPA to test chemicals, assurance that companies can no longer hide information from the public, and clear rules for government regulation to protect the public.

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/26/2015 6:47:56 PM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
**CC:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Thanks, will circulate.

On Apr 26, 2015, at 2:31 PM, "Karakitsos, Dimitri (EPW)" <[Dimitri\\_Karakitsos@epw.senate.gov](mailto:Dimitri_Karakitsos@epw.senate.gov)> wrote:

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**Sent:** Sunday, April 26, 2015 1:54 PM  
**To:** Karakitsos, Dimitri (EPW)  
**Cc:** Black, Jonathan (Tom Udall)  
**Subject:** Re: Udall Inhofe TSCA TA on Articles

Dimitri,  
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**Sent:** Saturday, April 25, 2015 5:56 PM  
**To:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW)  
**Subject:** Udall Inhofe TSCA TA on Articles

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<Articles.docx>

<Articles comment.docx>

Message

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**CC:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]; Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]; Hunt, Jasmine (Durbin) [Jasmine\_Hunt@durbin.senate.gov]  
**Subject:** Re: Senate TSCA TA Call on Fees and Budget

Yes- 1pm- call **Ex. 6 - Personal Privacy** Thanks,  
Sven

On Jul 9, 2015, at 11:45 AM, "Black, Jonathan (Tom Udall)" <Jonathan\_Black@tomudall.senate.gov> wrote:

Our plan is to call at 1.

---

**From:** Kaiser, Sven-Erik  
**Sent:** Wednesday, July 8, 2015 5:35 PM  
**To:** Black, Jonathan (Tom Udall); Karakitsos, Dimitri (EPW); Freedhoff, Michal (Markey); Hunt, Jasmine (Durbin)  
**Subject:** Senate TSCA TA Call on Fees and Budget

Jonathan,  
I'm getting folks together, let's say tentatively a call tomorrow, Thurs, July 9 at 1pm. Let me know if the time moves. Please call **Ex. 6 - Personal Privacy** Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

---

**From:** Black, Jonathan (Tom Udall) [mailto:Jonathan\_Black@tomudall.senate.gov]  
**Sent:** Wednesday, July 08, 2015 4:01 PM  
**To:** Kaiser, Sven-Erik  
**Cc:** Karakitsos, Dimitri (EPW); Freedhoff, Michal (Markey); Hunt, Jasmine (Durbin); Black, Jonathan (Tom Udall)  
**Subject:** EPA T.A. Call on TSCA Fees and Budget

Sven, we are meeting from 1130-2pm tomorrow. One of the topics of discussion will be TSCA fees and the budget, specifically, how to key the minimum appropriations to ensure that EPA can set user fees.

We'd like to know how OMB A11 intersects with the budgeting and what is covered in the TSCA office.

Our preference is to call in around 1pm if possible. We'd also like to include Dem and GOP Senate Appropriations staff.

Others can chime in about the things they'd like to ask about.

Thanks,  
---Jonathan

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/26/2015 5:54:07 PM  
**To:** Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]  
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Message

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**Sent:** 7/8/2015 9:35:53 PM  
**To:** 'Black, Jonathan (Tom Udall)' [Jonathan\_Black@tomudall.senate.gov]; Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]; Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]; Hunt, Jasmine (Durbin) [Jasmine\_Hunt@durbin.senate.gov]  
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1200 Pennsylvania Ave., NW (1305A)  
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**Subject:** EPA T.A. Call on TSCA Fees and Budget

Sven, we are meeting from 1130-2pm tomorrow. One of the topics of discussion will be TSCA fees and the budget, specifically, how to key the minimum appropriations to ensure that EPA can set user fees.

We'd like to know how OMB A11 intersects with the budgeting and what is covered in the TSCA office.

Our preference is to call in around 1pm if possible. We'd also like to include Dem and GOP Senate Appropriations staff.

Others can chime in about the things they'd like to ask about.

Thanks,  
---Jonathan

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/15/2015 2:04:48 PM  
**To:** Black, Jonathan (Tom Udall) [Jonathan\_Black@tomudall.senate.gov]  
**CC:** Vaught, Laura [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c30920bcb6214a91b7e3c1e7810c63e1-Vaught, Laura]; Jones, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c32c4b9347004778b0a93a4cbd83fc8a-JJONES1]; Karakitsos, Dimitri (EPW) [Dimitri\_Karakitsos@epw.senate.gov]; Deveny, Adrian (Merkley) [Adrian\_Deveny@merkle.senate.gov]; Enderle, Emily (Whitehouse) [Emily\_Enderle@whitehouse.senate.gov]; Zipkin, Adam (Booker) [Adam\_Zipkin@booker.senate.gov]  
**Subject:** Re: EPA T.A. Follow-up

Got it. Will get folks going and get back with you in scheduling. Thanks,  
Sven

On May 15, 2015, at 10:00 AM, "Black, Jonathan (Tom Udall)" <Jonathan\_Black@tomudall.senate.gov> wrote:

**Team EPA:**

Dimitri and I had sat down with you to review some technical assistance on drafting and clarity/intent back before the bill was introduced.

During that time of intense negotiation, we were unable to incorporate a number of EPA T.A. suggestions because it was too frantic.

We would like to try to address as many of them as possible, now, though.

**Please find attached:**

1. February EPA T.A. document that **you** provided to us (showing comments and some redlines)
2. S.697 as reported out of the EPW committee, plus **NEW REDLINES** that attempt to incorporate the EPA T.A. from February.

**Request:**

Can you review the #2 document (S.697 as reported)?

- Please comment on the proposed fixes
  - Do they address EPA T.A. suggestions?
  - If not, can you explain why not?

None of these technical corrections have been agreed to by the cc'd parties. We will want to sit down with you and review them before doing so. We will then probably need to vet them through stakeholders.

**Timing:**

Please let me know how long you think it might take.

Best case scenario would be to meet and discuss Friday, May 22<sup>nd</sup>.

If that's too quick a turn-around, I will be out of town over the recess, but others may be available to meet the week of May 25<sup>th</sup>.

<S. 697 as reported out 4-28-15 plus TA.DOCX>

<Udall-Vitter Draft P and T redline 20150211 -- February Comments.docx>

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/8/2015 9:07:50 PM  
**To:** 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]; Couri, Jerry [JerryCouri@mail.house.gov]  
**CC:** McCarthy, David [David.McCarthy@mail.house.gov]  
**Subject:** RE: HEC Briefing Request on TSCA Issues

Sounds good. The call will be at 2:30pm on Thurs, July 9. Please call Personal Phone / Ex. 6 code 2 Personal Phone / Ex. 6  
Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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**From:** Cohen, Jacqueline [mailto:jackie.cohen@mail.house.gov]  
**Sent:** Wednesday, July 08, 2015 4:58 PM  
**To:** Couri, Jerry; Kaiser, Sven-Erik  
**Cc:** McCarthy, David  
**Subject:** RE: HEC Briefing Request on TSCA Issues

Works on our end. Thanks!

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**From:** Couri, Jerry  
**Sent:** Wednesday, July 08, 2015 4:57 PM  
**To:** 'Kaiser, Sven-Erik'  
**Cc:** McCarthy, David; Cohen, Jacqueline  
**Subject:** RE: HEC Briefing Request on TSCA Issues

We could do phone.

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**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Wednesday, July 08, 2015 4:56 PM  
**To:** Couri, Jerry  
**Cc:** McCarthy, David; Cohen, Jacqueline  
**Subject:** Re: HEC Briefing Request on TSCA Issues

How about 2:30 pm? In person or phone? Thanks,  
Sven

On Jul 8, 2015, at 11:18 AM, "Couri, Jerry" <JerryCouri@mail.house.gov> wrote:

Any time after 2pm tomorrow would work. Thanks.

---

**From:** Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]  
**Sent:** Wednesday, July 08, 2015 10:20 AM  
**To:** Couri, Jerry; McCarthy, David  
**Subject:** RE: HEC Briefing Request on TSCA Issues



Jerry – EPA availabilities for the requested briefing. Can be in person or by phone at your convenience.

Thurs, July 9, 9-11, 12-1:30, 2-6

Fri, July 10, 11-1, 2-4:30

Please let me know if any of those times work for you. Thanks,  
Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/15/2015 1:52:28 PM  
**To:** Michal Freedhoff [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA request on PBTs

Michal,

This responds to your TA request on PBTs. The provisions in the bill relating to persistent and bioaccumulative substances would characterize a chemical substance as a PBT if it ranks high for persistence and bioaccumulation. This is consistent with current EPA practice and would be implementable as written.

The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
Washington, DC 20460  
202-566-2753

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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 7/8/2015 8:55:34 PM  
**To:** Couri, Jerry [JerryCouri@mail.house.gov]  
**CC:** McCarthy, David [David.McCarthy@mail.house.gov]; Cohen, Jacqueline [jackie.cohen@mail.house.gov]  
**Subject:** Re: HEC Briefing Request on TSCA Issues

How about 2:30 pm? In person or phone? Thanks,  
Sven

On Jul 8, 2015, at 11:18 AM, "Couri, Jerry" <[JerryCouri@mail.house.gov](mailto:JerryCouri@mail.house.gov)> wrote:

Any time after 2pm tomorrow would work. Thanks.

---

**From:** Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]  
**Sent:** Wednesday, July 08, 2015 10:20 AM  
**To:** Couri, Jerry; McCarthy, David  
**Subject:** RE: HEC Briefing Request on TSCA Issues

Jerry – EPA availabilities for the requested briefing. Can be in person or by phone at your convenience.  
Thurs, July 9, 9-11, 12-1:30, 2-6  
Fri, July 10, 11-1, 2-4:30

Please let me know if any of those times work for you. Thanks,  
Sven

Sven-Erik Kaiser  
U.S. EPA  
Office of Congressional and Intergovernmental Relations  
1200 Pennsylvania Ave., NW (1305A)  
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Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 5/14/2015 10:57:44 PM  
**To:** Freedhoff, Michal (Markey) [Michal\_Freedhoff@markey.senate.gov]  
**Subject:** Sen. Markey TSCA TA request on CBI

Michal,

Thank you for the request. Please let me know if any additional questions. Best,  
Sven

On May 14, 2015, at 6:45 PM, "Freedhoff, Michal (Markey)" <[Michal\\_Freedhoff@markey.senate.gov](mailto:Michal_Freedhoff@markey.senate.gov)> wrote:

This one is related to the CBI provisions that require EPA to review CBI claims for active substances that have been in place for longer than 5 years.

How many CBI claims are currently in place for active substances that have been there for more than 5 years?  
How many CBI claims are in place for inactive substances?

The bill gives EPA a 5 year deadline to re-review CBI claims for active substances, and encourages manufacturers of inactive substances to voluntarily withdraw them. We have received a proposal that the deadline for active substances be changed to 3 years, and a deadline for inactive substances of 1 year be imposed.

We suspect that there could be resource/budget concerns here that we would like to understand, so would like to know whether the proposal we received is feasible, what it would take to accomplish, etc.

Thanks  
Michal

Michal Ilana Freedhoff, Ph.D.  
Director of Oversight & Investigations  
Office of Senator Edward J. Markey  
255 Dirksen Senate Office Building  
Washington, DC 20510  
202-224-2742

Connect with Senator Markey  
<image001.png><image002.png><image003.png><image004.jpg>

Message

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**From:** Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]  
**Sent:** 4/26/2015 1:08:54 PM  
**To:** Albritton, Jason (EPW) [Jason\_Albritton@epw.senate.gov]  
**CC:** Poirier, Bettina (EPW) [Bettina\_Poirier@epw.senate.gov]  
**Subject:** Re: Boxer TSCA TA on Cal AG issues

Jason and Bettina,

In response to your technical assistance request, EPA think this is fine except that the word "as" should be inserted in front of "necessary".

The technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any additional questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

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On Apr 24, 2015, at 8:35 PM, "Albritton, Jason (EPW)" <[Jason\\_Albritton@epw.senate.gov](mailto:Jason_Albritton@epw.senate.gov)> wrote:

*"(D) ~~MITIGATION~~.**Articles**—In selecting among prohibitions and restrictions to address an identified potential risk, the Administrator shall apply prohibitions or restrictions to articles on the basis of a chemical substance ~~or mixture~~ contained in the article ~~only to the extent~~ necessary to **determine that the chemical substance is likely to meet the safety standard** ~~mitigate the identified potential risk~~.*

*"(II) in selecting among prohibitions and restrictions to address an identified risk, apply prohibitions or restrictions to articles on the basis of a chemical substance ~~or mixture~~ contained in the article ~~only to the extent~~ necessary to **ensure that the chemical substance meets the safety standard** ~~mitigate the identified risk~~.*

---

**From:** Poirier, Bettina (EPW)  
**Sent:** Friday, April 24, 2015 8:26 PM  
**To:** Kaiser, Sven-Erik

**Cc:** Albritton, Jason (EPW)

**Subject:** Re: Boxer TSCA TA on Cal AG issues

Jason can you send whole piece they sent

Sent from my iPad

On Apr 24, 2015, at 8:22 PM, Kaiser, Sven-Erik <[Kaiser.Sven-Erik@epa.gov](mailto:Kaiser.Sven-Erik@epa.gov)> wrote:

Bettina and Jason,

Following up on the technical assistance call with you and Cal AG staff, regarding substituting "extent necessary" for "appropriate", from a technical perspective we do not have any issues. We would need to see the language in context to give you a fuller read on the particular usage. Please let me know if any additional questions. Thanks,  
Sven

Sven-Erik Kaiser  
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